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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 HENRY JAMES,
10 Plaintiff,
11 v.
12 FPI MANAGEMENT, INC., et al.,
13 Defendants.

9 CASE NO. C18-998 RSM
10 ORDER GRANTING PLAINTIFF'S
11 MOTION FOR SERVICE BY U.S.
12 MARSHAL

14 This matter is before the Court on Plaintiff's Motion for Service by U.S. Marshal. Dkt.
15 #38. Plaintiff is proceeding in this matter *in forma pauperis* and seeks assistance serving two
16 unserved defendants. For the reasons below, the Court grants the Motion.

17 Federal Rule of Civil Procedure 4(c)(3) provides:

18 At the plaintiff's request, the court may order that service be made by a United
19 States marshal or deputy marshal or by a person specially appointed by the court.
20 The court must so order if the plaintiff is authorized to proceed *in forma pauperis*
21 under 28 U.S.C. § 1915 or as a seaman under 28 U.S.C. § 1916.

22 Rule 4(c)(3) allows the Court to order service by the Marshal when requested and mandates it
23 for *in forma pauperis* prisoner plaintiffs proceeding under 28 U.S.C. § 1915. Where the plaintiff
24 is not a prisoner, service by Marshal is not mandated. Plaintiff was not a prisoner at the time he
25 filed this action but indicates that he was recently arrested and appears to have been held in a
26 county jail for some time. Dkts. #38 and #42. Plaintiff has also provided sufficient information

1 for service to be effected. *Id.* For these reasons, and because of Plaintiff's limited means, the
2 Court will assist in this matter and grants Plaintiff's Motion.

3 Having reviewed Plaintiff's Motion, and for the reasons stated above, the Court finds and
4 ORDERS:

- 5 1. Plaintiff's Motion for Service by U.S. Marshal (Dkt. #38) is GRANTED.
- 6 2. The Clerk shall issue Summons for Michael Chin and Patricia Lally at the following
7 address:

8 Seattle Office for Civil Rights
9 810 Third Ave., Central Building
10 Suite 750
11 Seattle, WA 98101.

- 12 3. The United States Marshal shall send the following to Defendants Chin and Lally by
13 separate first-class mailings:
 - 14 a. a copy of the Complaint (Dkt. #5) and a copy of this Order;
 - 15 b. a copy of the appropriate Summons;
 - 16 c. two copies of the Notice of Lawsuit and Request for Waiver of Service of
17 Summons;
 - 18 d. a Waiver of Service of Summons; and
 - 19 e. a return envelope, postage prepaid, addressed to the Clerk's Office.
- 20 4. All costs of service shall be advanced by the United States.
- 21 5. The Clerk shall assemble the necessary documents to effect service within five days.
- 22 6. Defendants Michael Chin and Patricia Lally shall have **thirty (30) days** within which
23 to return the Waiver of Service of Summons. If the Defendant timely returns the
24 signed Waiver, that Defendant shall have **sixty (60) days** after the date designated on
25 the Notice of Lawsuit to file and serve an Answer or a motion directed to the
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1 Complaint, as permitted by Rule 12 of the Federal Rules of Civil Procedure. **If a**
2 **Defendant fails to timely return the signed Waiver, that Defendant will be**
3 **personally served with a Summons and Complaint and may be required to pay**
4 **the full costs of such service, pursuant to Rule 4(d)(2).** A Defendant who has been
5 personally served shall file an Answer or motion permitted under Rule 12 within
6 **twenty-one (21) days** after service.

7 DATED this 28th day of March 2019.
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11 RICARDO S. MARTINEZ
12 CHIEF UNITED STATES DISTRICT JUDGE
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